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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,515	03/15/2000	Alan H. Karp	10992554-1	9501

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HEWLETT PACKARD COMPANY
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FORT COLLINS, CO 80527-2400

EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/525,515

Applicant(s)

KARP ET AL.

Examiner

Alain L. Bashore

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13, 16-19, 21-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bigus et al in view of Roderick in further view of Parunak et al.

Bigus et al discloses a buyers guide is disclosed wherein a product to be negotiated is (col 19, lines 1-20). The guide includes a set of attribute-value pairs, each pair including an attribute and a range of values for the attribute (col 19, lines 8-10). An offer is present wherein a second negotiating party offers to negotiate one or more attributes for the product listed in the guide. One or more counter offers are present wherein the second and first negotiating parties continue to exchange counter offers until each attribute is agreed to (figs 5-6; col 9, lines 42-56).

The offer and counteroffers comprise succeeding proposed ranges of values including succeeding attributes that are included in the set of attribute-value pairs (col 3,

lines 6-15; col 10, lines 26-35). Single values for each attribute are disclosed when agreement is reached. The range of values are reduced with each succeeding counteroffer (col 10, lines 62-67).

Bigus et al does not explicitly show the buyers guide as an "advertisement", or the advertisement as listed by a first negotiating party.

Roderick discloses advertisements that may be part of a buyers guide (col 12, lines 36-55) and listings by a negotiating party (col 10, lines 55-66).

It would have been obvious to one with ordinary skill in the art to substitute and advertisement for the buyers guide of Bigus et al because Roderick teaches that advertisements may be a part of buyers guides.

It would have been obvious to one with ordinary skill in the art to include the advertisement as listed by the first negotiating party because Roderick et al teaches advantages to advertising (col 1, lines 64-67; col 2, lines 1-28) and Bigus et al teaches value in gathering knowledge by negotiation agents (col 4, lines 35-40).

Bigus et al in view of Roderick further does not explicitly show: a look-up, wherein the product listed in the advertisement is located for a second negotiating party,

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wherein at least one of a first set of attribute-value pairs is displayed to the negotiating party.

Parunak et al discloses a look-up for comparing the sale and buying for negotiation (para 0091).

It would have been obvious to one with ordinary skill in the art to include a look-up, wherein the product listed in the advertisement is located for a second negotiating party because Parunak et al teaches coordination required between multiple buyers and sellers (para 0186).

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bigus et al in view of Roderick in view of Parunak et al as applied to claim 1 above, and further in view of Shkedy.

Bigus et al and Roderick and Parunak et al do not explicitly disclose delivery as finalized.

Shkedy discloses delivery as finalized (col 5, lines 37-42).

It would have been obvious to one with ordinary skill in the art to include delivery as finalized because Shkedy teaches delivery considerations typical for commerce (col 5, lines 31).

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bigus et al in view of Roderick in view of Parunak et al as applied to claim 1 above, and further in view of Ausubel.

Bigus et al, Roderick and Parunak et al do not explicitly disclose a declaration of a failed negotiation.

Ausubel discloses a declaration of a failed (stopped) negotiation is disclosed (col 30, lines 30-35).

It would have been obvious to one with ordinary skill in the art to include a declaration of a failed negotiation because Ausubel teaches bid problems that could lead to errors in auctions (col 30, lines 14-20).

Response to Arguments

5. Applicant's arguments filed last of record have been fully considered but they are not persuasive.

Parunak is concerned with electronic manipulation to facilitate commerce, and as thus it encompasses the endeavor of the other prior art utilized in the rejection of record.

The motivational reasoning and what is being modified is corrected in the body of the rejection.

Since there is disclosed multiple "attributes", there is inherently present groups including "pairs", thus a set of attribute-value pairs.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Regarding all Class 705 applications, the management contact regarding examination is: Vincent Millin (SPE, art unit 3624) at 571-272-6747.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alain L. Bashore
Primary Examiner
Art Unit 1762